IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3797 OF 2004

Shri Rohidas Ramchandra Nikam

& Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

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Mr.R.S.Kate for Applicants.

Mr.D.R.More, A.P.P. for Respondent.

Mr.I.M.Momin for the Complainant.

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CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 22, 2004.

P.C.

1. Heard Counsel for the parties including Mr.Momin who appeared for the complainant. The learned A.P.P. Mr.More as well as Mr.Momin for the complainant accept the factual statement made on behalf of the Applicants that role ascribed to them in the complaint is similar to one assigned to accused Nos.3, 6, 11, 17, 20, 21, 22, 23 and 25.

All these accused have already been released on bail by two separate orders by this Court. The basis on which their cases have been treated differently is that the said accused did not assault the deceased and also on analysing the injuries caused by them to other prosecution witnesses.

2. Learned A.P.P. as well as the Counsel for the complainant submit that if the Applicants herein who are accused Nos.5, 9, 12 and 19 were to be released on parity, that be done on the same terms and conditions imposed by this Court in the earlier two orders. Accordingly this Application is allowed on the following terms :

(a) The Applicants are directed to be enlarged on bail on their furnishing personal bonds of Rs.10,000/- (Rupees Ten Thousand) each with one or two sureties of the like amount to the satisfaction of the Trial Court, subject to the condition that they shall not enter within the jurisdiction of Village Medak for a period of four months from the date of their release.

(b) The Applicants shall keep informed their residential addresses to the concerned Police Station, where they propose to stay during the aforesaid period after their release on bail, and shall report to the nearest Police Station from the place of their residence on every Saturday between 10.00 a.m. and 11.00 a.m.

(c) After four months, the Applicants will be allowed to enter Village Medak, subject to the condition that they shall report the concerned Police Station on every Saturday between 10.00 a.m. and 11.00 a.m. until the conclusion of their trial.

. Application allowed on the above terms.

A.M.KHANWILKAR, J.